

SENATE BILL 2363

By Ford

AN ACT to amend Tennessee Code Annotated, Title 16
and Title 17, relative to intermediate appellate
courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-1-301, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Each judge of a circuit, chancery, criminal, or other state trial court of record shall be elected to a full eight-year term of office by the qualified voters of the judicial district or circuit, to which the judge is to be assigned, in a contested election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of a circuit, chancery, criminal, or other state trial court of record because of death, resignation, removal or other reason, then the remainder of the unexpired term shall be filled by the qualified voters of the judicial district or circuit in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of a circuit, chancery, criminal, or other state trial court of record, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(4) Each election for the office of judge of a circuit, chancery, criminal, or other state trial court of record shall be conducted in accordance with general election law set forth in title 2.

(b)

(1) Each judge of the supreme court shall be elected to a full eight-year term of office by the qualified voters of the state in the manner provided by law at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of the supreme court because of death, resignation, removal, or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, in the manner provided by law at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In accordance with Article VI, Sections 2 and 3 of the Constitution of Tennessee and § 16-3-101, § 16-4-102, or § 16-5-102, as the case may be, the vacancy shall be filled from the grand division of the state in which the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of the supreme court or other state appellate court, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(4) Each election for the office of judge of the supreme court shall be conducted in the manner provided by law for the supreme court.

(c)

(1) The court of appeals and court of criminal appeals shall be selected in the manner provided by law from intermediate appellate court districts to be created by the general assembly. The districts shall be approximately equal in population and each district shall contain a core county as follows:

(A) The first intermediate appellate court district shall contain Sullivan County;

(B) The second intermediate appellate court district shall contain Knox County;

(C) The third intermediate appellate court district shall contain Hamilton County;

(D) The fourth intermediate appellate court district shall contain Davidson County;

(E) The fifth intermediate appellate court district shall contain Madison County; and

(F) The sixth intermediate appellate court district shall contain Shelby County.

(2) At the August general election in 2014, and every eight (8) years thereafter, the qualified voters of each shall select twelve (12) persons meeting the qualifications provided by law for a court of appeals judge to serve as judge of the court of appeals for an eight-year term and twelve (12) persons meeting the qualifications provided by law for a court of criminal appeals judge to serve as judge of the court of criminal appeals for a term of eight (8) years.

(3) Any vacancy in the office of court of appeals judge or court of appeals judge shall be filled as provided by law from the intermediate appellate court judicial district in which the vacancy occurred.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting the chapter in its entirety.

SECTION 3. This act shall take effect September 1, 2014, the public welfare requiring it, and shall apply to each vacancy in an intermediate appellate court occurring on or after such date.